

E

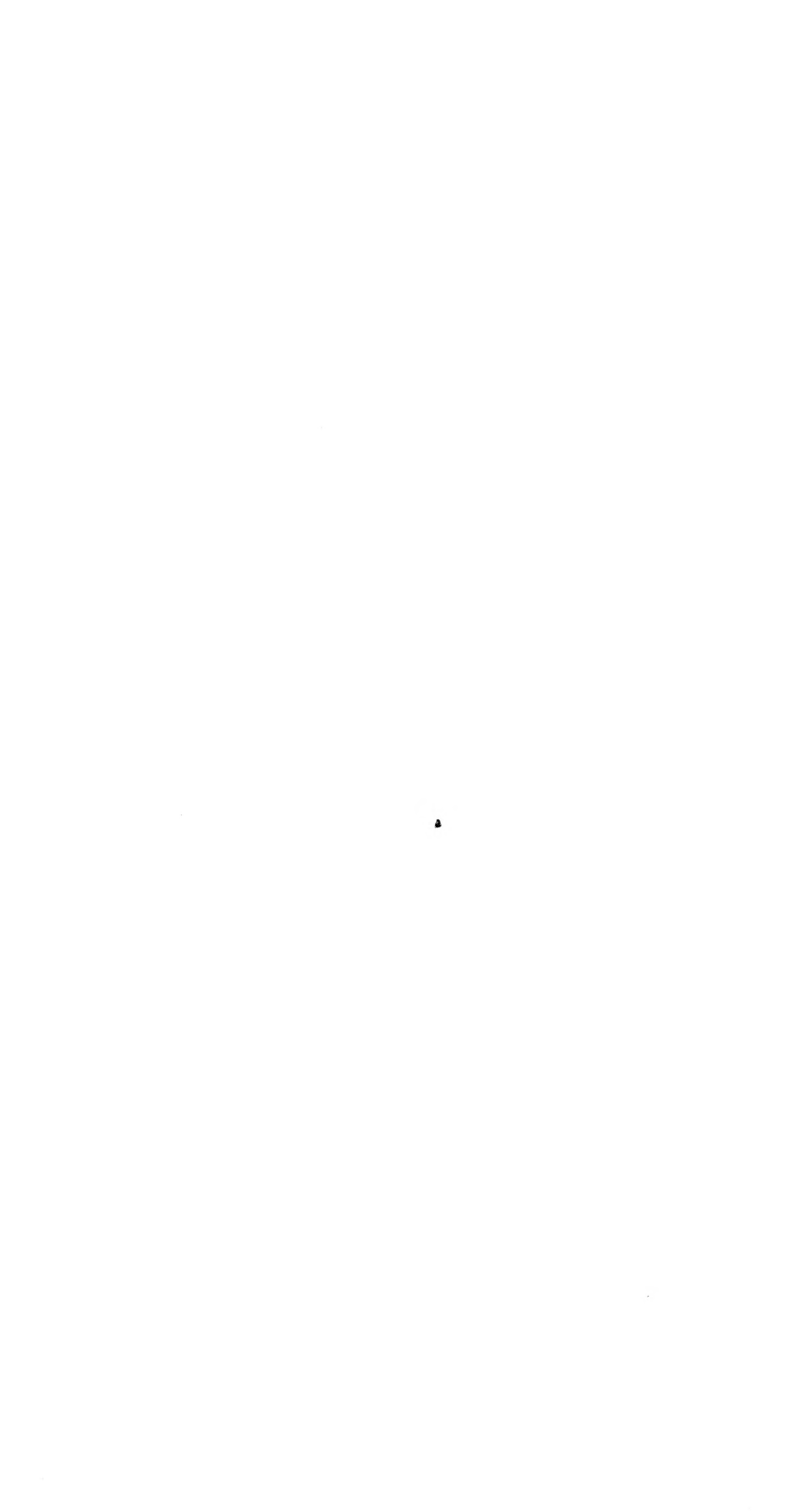
384
.3



Class E 384

Book .P64^{.3}







THE

QUINTESSENCE OF LONG SPEECHES.

ARRANGED AS

A POLITICAL CATECHISM:

BY A LADY,

FOR HER GOD-DAUGHTER.

CHARLESTON:
PRINTED BY A. E. MILLER
No. 4, Broad-street.
1830.

E284
3
P64

25 10
11 11
11 11

45 11 11
11 11

A POLITICAL CATECHISM.

Question—What do we understand by the Federal Union?

Answer—It is an agreement between Sovereign States, to forbear exerting their sovereign power over certain defined objects, and to exert jointly their sovereign power over other specified objects, through the agency of a General Government. Each State agrees to exert its full sovereign power jointly, for all external purposes; and separately, for all internal purposes, or State concerns.

Q. Where is this Agreement found?

A. In the bond of Union, or compact between the States, called the Federal Constitution.

Q. What is the nature of the Federal Constitution?

A. It is a compact based upon cautious and jealous specifications. The distinguished body of men who framed it, guarded and defined every power that was to be exercised through the agency of the General Government—and every other power not enumerated in the compact, was to be reserved and exercised by the States.

Q. Did the States, in forming the Constitution, divest themselves of any part of their Sovereignty?

A. Of not a particle. The individuality and sovereign personality of the States was not at all impaired. The States agreed, by the Constitution, that they would unite in exerting their powers, therein specified and defined, for the purpose and objects therein designated, and through the agency of the machinery therein created; but the power exercised by the functionaries of the General Government, is not *inherent* in them, but in the States whose agents they are. The Constitution is their Power of Attorney, to do certain acts; and contains, connected with their authority to act, their letter of instruction, as to the manner in which they shall act. They are the Servants. The power which gives validity to their acts is in their Masters—THE STATES.

Q. Where is the power of Congress during the recess of that body?

A. It possesses no sovereign power—it is but the agent of the Sovereign States.

Q. Can you illustrate this retention of Sovereignty by the States by any other example?

A. Suppose an individual, for instance, was to stipulate to transact a portion of his business by an agent, and the remainder by himself, and to forbear to exert his moral faculties, and physical energies upon that class of subjects, which, by his agreement, are to be acted upon by his agent. Has he by his stipulation lessened, impaired or diminished his moral or physical powers? On the contrary, the validity of the agency depends upon his retaining those faculties, for if he shall become insane, or die, the agent cannot act, because the power of his principal has become extinct; so it is the power, the full subsisting Sovereign Power of the States, which gives validity to the acts of the General Government. The validity of these acts does not result from the exercise of a portion of the Sovereign Power of each State.

Q. Why then has it been supposed by some, that when the States formed the Constitution, they cut the

Sovereignty of each State into two parts, and gave much the larger portion to the General Government?

A. Many erroneous and mischievous opinions proceed from ignorance of the true meaning of words. Sovereignty, Rebellion, Nullification, &c. we hear every day used, without any precise idea being attached to their signification.

Q. What is the meaning of Sovereignty?

A. It is the will of civil society in the Social Compact, which society is a moral person, whose will, like the will of the human being, cannot be divided without destroying the person; we can conceive the will operating in a thousand various ways, but we cannot conceive its separation into parts; neither can we conceive of the separation of Sovereignty—its unity and life are inseparable.

Q. How do you define Rebellion?

A. It is the resistance of an *inferior* to the lawful authority of a *superior*. A child may rebel against a parent—a slave against his master—citizens against the government, and colonies against the mother-country—but a State cannot rebel; because one Sovereign cannot rebel against another, for all Sovereigns

are equal. The Sovereignty of the little State of Delaware is equal to that of New-York, or of Russia, though the physical power of those Sovereignities are vastly different. The supposition, therefore, that a Sovereign State can commit Rebellion,* Treason, or any crime whatever, is utterly inadmissible in the science of politics. The idea of crime cannot exist where there is no conceivable or possible tribunal, before which the culprit could be arraigned and convicted. Still less can any State be supposed to incur the guilt of rebellion or treason, by resisting an unconstitutional law of the General Government. The General Government is the creature of the States—the offspring of their Sovereign Power. Is the Creator to be governed by the lawless authority of the Creature? We cannot invert the rule of reason and of law upon that subject, and say, that the superior incurs guilt by resisting the inferior, and not the inferior by resisting the superior.

Q. What is the meaning of Nullification?

* *Rebel.*—Was a State Government to nullify even a *Constitutional* law of Congress, it could not place the State (that is the people of the State) in an attitude of rebellion; if war ensues, it is one government warring against another, as England against France, &c. The essence of Rebellion is inferiority.

A. It is the veto* of a Sovereign State on an unconstitutional law of Congress.

Q. *Are not unconstitutional laws, of course, null and void?*

A. Undoubtedly; and an act of Usurpation is not obligatory; it is not law, and resistance is justifiable. In virtue of her Sovereignty, the State is the judge of her own rights, and bound as Sovereign to protect her citizens, which she does by nullifying† the obnoxious

* *Veto*.—A writer in one of the Gazettes says, that Veto is suspensive and Nullification destructive. It is to be hoped that the late Veto of the President was not meant to be suspensive, but will prove altogether destructive.

† *Nullifying*.—It is contended that the Kentucky and Virginia Resolutions, which confirm the right of Nullification, in cases of a palpable, deliberate, and dangerous usurpation of power, speak of resistance by the mode pointed out in them, always in the plural number. That it is the *States* which are bound to interpose; and that, consequently, a *State*, being in the singular number, cannot interfere and act individually. This is a mere evasion of the enemies of State Rights; for example: If it were said that the submission or alarm-men were permitted to reveal the secret, by which the heterogeneous, spurious party obtained the late victory; is it inferred that they are all to assemble together to avail themselves of the permission, and that one *alarmist*, being in the singular number, cannot, individually, divulge it? It is the individuality and sovereign personality of the State which confers the right of Nullification.

law, and releasing them from any obligation to obey it.

Q. Has not this right of the State been denied?

A. Only by those who are enemies of State Rights, whose subterfuge is, that they can find Nullification no where in the Constitution. Suppose a State was to make a treaty with a foreign government, to coin money, to grant letters of marque, or assume any power that she had by the compact delegated to the General Government. When Congress should nullify the assumption, would the State have any right to complain that she could not find Nullification in the Constitution. If the implied right is reciprocal, the State possesses the double right to Nullify, for all rights are reserved to her, that are not specified in the Constitution.

Q. Is there no other check upon the General Government, than the one just mentioned of Nullification?

A. The oath, the several legislative, executive and judicial officers of the several States take to support the Federal Constitution, ought to be as effectual security against the usurpation of the General Government, as it is against the encroachments of the State Governments. For the increase of the powers by

usurpation, is as clearly a violation of the Federal Constitution, as a diminution of these powers by private encroachments; and that oath obliges the officers of the several States as vigorously to oppose the one as the other.

Q. Could then any collision arise between the States and the Federal Government, were each confined to its proper sphere?

A. The Constitution has left them sufficient space to move harmoniously together; but it is the General Government that is continually wandering out of the sphere of its legitimacy, and usurping powers, that the combined wisdom of the States imagined, they had carefully guarded from all encroachments.

Q. Have the States ever resumed any of the powers they have delegated to the General Government?

A. Never, in a single instance, have they violated, or attempted to violate the Constitution. The enemies of State Rights pretend, that had the States the right to judge of an unconstitutional law of Congress, (in other words, of an infringement on their Sovereignty) they would transcend their appropriate

sphere, and usurp* the powers assigned to the General Government. On the contrary, it is not the interest of the States to resume the powers they have delegated. The same motives which led to the formation of the Union, a conviction of its utility, are as strong now that its beneficial effects have been experienced, as when they were only anticipated. They have evinced from the period of its formation, no sentiment so strong, as an ardent and devoted attachment to the Union. In Union, they take their high station among the nations of the earth; and in Union, the Star Spangled Banner waves over every sea. But there is a principle we should never forget, that the greatest good when perverted becomes the greatest evil. The Union as it was formed—an Union of Free, Sovereign and Independent States—an Union, affording equal protection and mutual benefit to all, will be considered the greatest political good; but as highly as it ought to be valued, it is not the greatest possible good. There is one still better—still more precious—one which is prized infinitely higher—it is LIBERTY—that

* *Usurp.*—All power to govern is delegated or usurped. The delegated power may *Usurp* other powers not delegated, but the power that delegates cannot *Usurp*, it *resumes* the power it has delegated—delegated power is trust. The Trustees, therefore, that is the General Government, *Usurp*. The States, who granted the trust, *resume*.

LIBERTY for which our Fathers toiled and bled. The usurpations and tyranny of Great Britain were not resisted, that the COLONIES might be UNITED, but that the COLONIES might be FREE, and for the PEOPLE to be FREE, the STATES must be FREE. Whenever the States cease to maintain their Sovereignty unimpaired, and become vassals of the General Government, the duration of the Union will then, indeed, be problematical. It is, therefore, on the friends of the State Rights—on the supporters of State Rights—on those who cling to State Rights, as to the palladium of their liberties, that we must rely for the maintenance and perpetuity of the Union, and not on the enemies of State Rights.* The weak—the timid—the apathetic, and the ambitious, who raise the cry of disunion to palsy the unity of action, that would emancipate us from the chains of usurpation—these are the real disunionists, and to these and these *only*, will be attri-

* *State Rights.*—There is a test by which the real State Right Party may at once be distinguished from the counterfeit, who assume their name to conquer under false colours. The real State Right Party hold as their Cardinal Doctrine that, as guardian of its reserved rights, each State is the judge for itself, of an infringement of them; that there is, under the Union, a peaceable mode of redress, when the Constitution has been violated, and that every State is bound by a political necessity to maintain its Sovereignty unimpaired, as essential to the liberty of the people, and preservation of the Union.

buted, the evils arising from the dissolution of the Union.

Q. What is the new version of the Constitution by Messrs. Webster & Co.?

A. They have discovered that the Constitution was not formed by the States in their Sovereign capacity--that it is not a compact between the States--but that it is a Government formed by the people, *en masse*, that is, by the people collected into one nation--that this nation brought the Government into existence--established it, and hath hitherto supported it for the very purpose, among others, of imposing certain salutary restraints on State Sovereignties. That in forming this National Government, the people conferred upon the Supreme Court, the power of imposing these certain salutary restraints upon the Sovereignty of the States.

Q. To what do these Doctrines lead?

A. To the annihilation of State Rights, and consequently, of the fundamental principles of Constitutional Liberty, for which our Fathers fought and conquered.

Q. How did they contrive to convert the people of thirteen distinct States into one people?

A. A short analysis of the process by which a State is formed, will demonstrate the impossibility. The discussion of the elements of Government is dull, as is all abstract discussion. But if we undertake to talk politics, we must undertake to know about what we talk, and we cannot understand the nature of our Government, without referring to first principles.

Q. By what process are States formed?

A. There are but two conditions of mankind—the one national, and the other artificial. In a state of nature, there is no government. The laws of nature are the only rules of human conduct, and each individual is his own expounder of those laws. He is the arbiter of his own rights, and the avenger of his own wrongs. There is no power (that is, no moral power) in one man to direct, control, or govern another; all are equally free. The evils inseparable from this condition, induce those who are suffering from it to escape to the artificial state. The transition from a state of nature to that of civil society, is effected by an agreement among all who compose the society, that each and his concerns, shall be directed by the understanding, and protected by the power of all.

The agreement is reciprocal. The right which each man possessed, in a state of nature, to direct himself, is voluntarily surrendered by him to the society, and he agrees, that he and his concerns shall henceforth be subject to the will of the society. This contract is either expressed or understood. The power to govern can be obtained upon no other supposition. It is denominated the social compact. It is the charter by which civil society is incorporated, by which it acquires personality and unity; by which the action of all the people, is considered as the action of a moral agent, of a single person. This moral agent is, in reference to its own condition, called a state, probably, from the fixed and stable condition of the people, compared with their unstable and fluctuating condition in a state of nature. The people compressed or compacted by the social compact into the unit, called a State, remains unchanged under all the changes of its Government, which accident may produce, or war or convulsion may inflict. If a Republic becomes a Monarchy, or a Monarchy a Republic, or if compacts are formed with other States, these are but changes of Government, the Civil Society or State remains unchanged, and is Sovereign, while ever it manages its own affairs by its own will. It is upon this principle that States are not absolved from their debts by revolution. The State and not the Government is the contracting party, and nothing but the dissolution

of the social compact and consequent extinction of the State, can absolve it from its payment. Much confusion has arisen from the indiscriminate use of the word State. State means the people in their political capacity, and never their government. By this reference to first principles, we find from the existing state of things—as there were thirteen distinct States at the time the Constitution was formed—that it must of necessity have been formed by the States, not by the people consolidated into one nation, for in no other way could they have been collected into one, but by first absolving themselves from their allegiance to their respective States, and dissolving the compacts by which they were formed into States. Civil Societies have been destroyed by earthquakes, by deluge, and by the exterminating ravages of war ; they have often been subdued into vassalage or reduced by usurpation to the condition of provinces, but we have no account in history of a people voluntarily dissolving the social compact. Messrs. Webster & Co's. discovery, therefore, is a proof that there is no absurdity too great for those who are determined to accomplish their views on particular subjects.

Q. Does not the Supreme Court also contend that the Constitution was formed by the people, collectively?

A. The Supreme Court is the creature of the General Government, and has with a constancy and silence, like the approaches of death, adhered to a construction that has increased its own power—enlarged that of the General Government, and thrown chains over State Rights—chains never dreamed of at the formation of the Constitution.

Q. Upon what does the Supreme Court and Messrs. Webster & Co. found their discovery?

A. Upon the preamble to the Constitution—it is in these words: “We the people of the United States, to form a more perfect Union,” &c.

To people of common understanding, black actually means black, and white really white; but to Messrs. Webster & Co. it means just the reverse. “We the people of the United States” means according to them—“We the people *not* of the United States, but the people collectively.”

Q. When the States formed the Constitution, under which kind of government were they?

A. They were united by the Confederation. To form a more perfect Union of the States already united, to consolidate their Union, was the object of the present Constitution, and not to unite the people, for it was impossible to unite them more perfectly by a

Constitution than they were already united by the social compact.

Q. What is the nature of the Supreme Court, that according to Messrs. Webster & Co. has the power of imposing salutary restraints upon State Sovereignty?

A. The epithet of supreme which gives importance to the Court and imposes on the ignorant, is entirely relative, and imports only that appellate jurisdiction which it may exercise over the subordinate Courts of the *General Government*. The appellate Court, or Court of Appeals of every State, is just as supreme for the same reason—it also exercises jurisdiction over the inferior Courts. It is not called supreme, in reference to the other departments of the Government, nor has it any supremacy in reference to the States. The power accorded it is *purely judicial*. It is the umpire in all cases of law and equity arising under the Constitution. But questions of sovereignty, policy, or expediency, are unsusceptible of its judicial cognizance and decision. The power to declare a law of Congress, or any of the States, unconstitutional, was never intended to be conferred on the Supreme Court as a *direct* power. The exercise of the power is merely *incidental* in exercising the judicial power. The Constitutionality of a law may be *incidentally* decided, in deciding the law and justice of a case. But the decision must be given in the exercise of

merely judicial, and not of political power. Can it be believed that the great men who framed the Constitution, and guarded each specification with such zealous care, ever intended to subject the whole to the control of a judicial Oligarchy? The power asserted for the Supreme Court, is superior to that of imperial Rome in her proudest days. The conquests of Rome were achieved at an incalculable expense of blood and treasure. But the Supreme Court may vassal twenty-four Sovereign States, without expending one cent or shedding one drop of blood.

If the States were but true to themselves, and faithful in the discharge of their high duties, they would move on in the majesty of their sovereign power, and maintain with a steady and equal hand both their Governments within its appropriate sphere, and not permit the mere modicum of judicial power which they have granted to the Supreme Court, to control them in the exercise of their sovereign power.

Q. Why have the States allowed the Constitution, the sacred legacy of the combined wisdom of their fathers, to be violated by sacrilegious hands?

A. Because that self interest is the governing principle of three-fourths of mankind. The North, East, and West acquiesced in the usurpation of the General Government, because it was for their exclusive benefit, while the South was passive through apathy and

sleep. The North and East bribed the West by internal improvement, and by donations of the public lands—and the West in her turn, bribed the North and East with the Tariff. Internal improvement and a Tariff of protection, are twin born abominations unknown to the Constitution. The South, whose vital interests and almost her existence depended on the inviolability of the Constitution, scarcely awakened from her dream of sovereignty, finds herself the vassal province of a *Consolidated Central Government*, without limitation to its power, but the will of the majority to legislate for the general welfare—the very government by usurpation, that the Supreme Court and Messrs. Webster & Co. discovered was established by the people. The usurped power is a virtual abrogation of the Constitution, and consequently leaves the minority to ruin and degradation. This minority is the South.

Q. What is the remedy for these evils, according to the submission men, [or Tories of the Revolution?]

A. To shut our eyes—hold our tongues, and fold our arms.

Q. What is the greatest anomaly at present in the Union?

A. It is, that the South, whose beau ideal was LIBERTY, who sacrificed to it as to the God of their ido-

latory, is now in vassalage to the North, East and West.

Q. To what may the patriotism of many here be likened?

A. To the philanthropists, whose charity is too exalted to relieve the misery at their own door, but are willing to bestow it on three-quarters of the globe.

Q. What is the feeling that Carolina's real sons cherish for her at this moment?

A. That feeling so touchingly and beautifully expressed by the Beaufort Orator on the last anniversary of independence. "If, in celebrations like this, the name of Carolina was unmentioned by her Orators, the omission was altogether unmarked—why was it when now you can think only of her? It was, because she had not yet been depressed into notorious inequality from the level of the majority of her Sister States. She was not yet in full possession of that deepest and most touching attractiveness, with which misfortune and the world's persecution never fail to invest a beloved object in the contemplation of the generous and brave; you had not yet felt in the cold and cutting blast of federal unkindness the necessity of cherishing and warming her in your hearts. She had been prosperous and affluent, and you but rejoiced that she was your State--she had been honoured--and you

were but proud of her, as your section of the Union; but when she was injured and insulted, we felt that she was our country! And when she was most insolently trampled, we clung to her most fondly, and when they called her weakest, our hearts beat strongest in her cause."

Q. What is the attitude Carolina should assume at the present crisis?

A. She must at once appeal to her sovereignty, and decide whether she shall herself exert the protecting power of Nullification through the organs of her Legislature, or assuming her highest attitude of sovereignty, through that of a Convention.

Q. What will be the result of this resistance on the part of the State to the obnoxious usurpation?

A. The first result will be, the preservation of her sovereignty—the next result, the General Government, no longer relying on the supineness of the State, will be driven back to the sphere of its legitimacy.

Q. But if one of these results should not follow, must the State forbear to resist the aggression upon her rights?

A. No—decidedly no. She must maintain her sovereignty at every hazard, and every means within her power. She is good for nothing—worse than good for nothing—without it.

Q. Will this not lead to civil war—to war between the State, and the General Government?

A. No: The General Government would not put itself so completely in the wrong, as to consecrate its Usurpation by the blood of those it shall have attempted to oppress. If the State is led by apprehensions of this kind to submit to oppression, there is then an end of shaking off her fetters. Fear is a bad counselor of even an individual, it should never be consulted by a Sovereign State. The strength and powers of Usurpation consist wholly in the fear of resisting it. Let the State only will to be free, and the General Government must recede from its pretensions.

Q. But if the General Government does not recede?

A. Then let the State send a solemn embassy to the bar of Congress, and demand as a Sovereign State, one of the parties to the compact, a redress of her grievances, or an appeal to the ultimate arbiter, provided by the fifth article in the Constitution. Three-fourths of the States compose this august tribunal.* The State does not compromise her dignity, by referring to them questions of Sovereignty being them-

Three-fourths.—It has been said in a late State Paper, that the States by assenting to the provision of the Constitution, that three-fourths of them might amend or change it, surrendered individually their original Sovereignty, and that the Sovereignty of the Union actually now resides in three-fourths of them. This is an erroneous opinion. The States agreed that the voice of all should be expressed by three-fourths, there was no surrender of individual Sovereignty.

selves Sovereign, but she cannot without violating every principle of self-respect, submit a question in relation to her sovereignty to one of her subalterns, the Supreme Court. It is in the power of this tribunal to define anew the relations between the State and the General Government; if it does not concur in admitting the contested power, or shall not pronounce that it already exists, the General Government will at once be constrained to abandon the exercise of it, for no new power could have been granted without the concurrence of this tribunal.

Q. But if three-fourths of the States, the ultimate arbiter, decide the question against the State, whose vital interest is at stake, does acquiescence become a duty?

A. The State must then calculate the value of the Union; she has always the right of secession, but we will not, even in idea, "fathom the abyss, until we have descended the precipice of disunion."

Q. On whom must Carolina depend in her hour of peril?

On the descendants of the patriot band who achieved the Revolution. On the descendants of those brave and generous foreigners who united with us in that arduous and glorious struggle. On the proprietors of the soil--and on those whose motto is "MILLIONS FOR DEFENCE, NOT A CENT FOR TRIBUTE."

LIBRARY OF CONGRESS



0 011 896 354 4